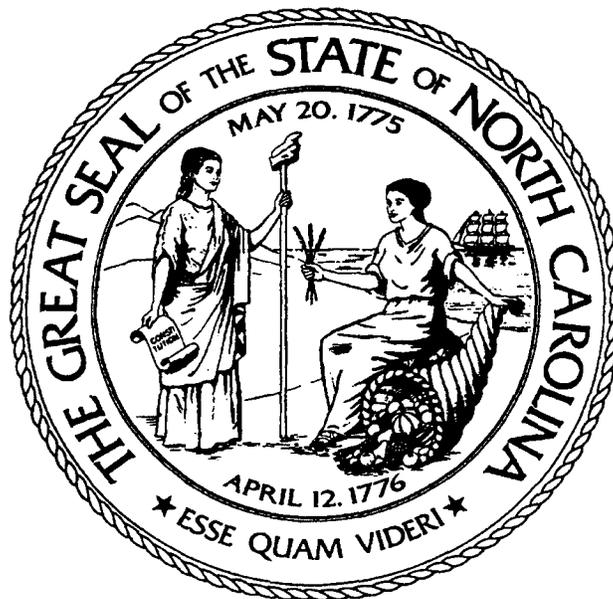


**JOINT LEGISLATIVE COMMISSION
ON MUNICIPAL INCORPORATIONS**



**REPORT TO THE
GENERAL ASSEMBLY
OF NORTH CAROLINA**

Town of Hebron

March 25, 1999

REPORT TO THE GENERAL ASSEMBLY
PROPOSED INCORPORATION OF THE
TOWN OF HEBRON
MARCH 25, 1998

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The criteria includes specifics as to community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

During the current review cycle, the Commission on November 23, 1998 received a petition proposing the incorporation of the Town of Hebron in Orange County. A copy of the petition is attached as Appendix C.

Because of some confusion with regard to deadlines for submitting the petition, a Phase I study was not done prior to the Commission's meeting on January 28, 1999. The Commission found that the preliminary requirements of G.S. 120-163 and G.S. 120-164 had been met and that the proposed Town of Hebron is not within 1, 3, 4, or 5 miles of a city having a population stated in G.S. 120-166.

The Commission asked the Division of Community Assistance of the Department of Commerce to evaluate the proposal under G.S. 120-167 through G.S. 120-170 as in effect before November 1, 1998 (a copy of the evaluation is attached as Appendix D), and to evaluate the proposal under G.S. 120-167 through G.S. 120-170 as in effect after November 1, 1998 (a copy of the evaluation is attached as Appendix E). The Division of Community Assistance found that the proposed Town satisfied the statutory criteria in effect before November 1, 1998, except G.S. 120-168, "Additional criteria; development" because five percent of the subject area rather than 40 percent (as required in the statute) is developed. The proposed Town satisfied the statutory criteria in effect after November 1, 1998, except G.S. 120-168 for the reasons stated above and G.S. 120-169.1(a) because 34 percent rather than 60 percent (as required in the statute) of the total number of lots in the subject area are used for residential, commercial, industrial, institutional, or governmental purposes, and five percent rather than 60 percent (as required in the statute) of the total acreage of the subject area that is not used for commercial, industrial, institutional, or governmental purposes consists of lots that are three acres or less in size.

The Commission finds that the proposed Town of Hebron does not meet the standards required by Article 20 of Chapter 160A of the General Statutes, and therefore does not recommend the incorporation of the area as the Town of Hebron. The Commission requests that the Division of Community Assistance of the Department of Commerce review the petition submitted by the proposed Town of Hebron to determine: (1) what would the appropriate standard for development have been under G.S. 120-168 if the petition had been submitted prior to November 1, 1998; and (2) what is the level of development using the standard that was in effect prior to November 1, 1998. The Commission further finds that if, using the standard in effect prior to November 1, 1998, the subject area was at least 40 percent developed, the Commission would have found that the proposed Town met the standards required by Article 20 of Chapter 160A of the General Statutes.

APPENDIX A

JOINT LEGISLATIVE COMMISSION ON
MUNICIPAL INCORPORATIONS
1997-1999
Membership

Pro Tem's Appointments

The Honorable Wib Gulley
PO Box 3573
Durham, NC 27702

The Honorable Fletcher L. Hartsell, Jr.
PO Box 368
Concord, NC 28026

Mr. Ronald R. Kimble, Manager
City of Greenville
PO Box 7207
Greenville, NC 27835

Staff

Gerry Cohen
Bill Drafting Division
(919) 733-6660

Gayle Moses
Bill Drafting Division
(919) 733-6660

Speaker's Appointments

The Honorable Cary D. Allred
4307 Sartin Road
Burlington, NC 27217

The Honorable J. Samuel Ellis
3513 Auburn-Knightdale Road
Raleigh, NC 27610

Mr. Jerry Ayscue
Vance County Manager
Vance County Courthouse
Young Street
Henderson, NC 27536

Clerk

Carol Resar
408 LOB
(919) 715-3036

APPENDIX B

ARTICLE 20.

Joint Legislative Commission on Municipal Incorporations.

Part 1. Organization.

§ 120-158. Creation of Commission.

(a) There is created the Joint Legislative Commission on Municipal Incorporations, referred to in this Article as "Commission".

(b) The Commission shall consist of six members, appointed as follows:

- (1) Two Senators appointed by the President Pro Tempore of the Senate;
- (2) Two House members appointed by the Speaker;
- (3) One city manager or elected city official, appointed by the President Pro Tempore of the Senate from a list of three eligible persons nominated by the North Carolina League of Municipalities; and
- (4) One county commissioner or county manager, appointed by the Speaker from a list of three eligible persons nominated by the North Carolina Association of County Commissioners.

§120-159. Terms.

Members shall be appointed for terms ending June 30, 1987, and subsequently for two-year terms beginning July 1, 1987, and biennially thereafter. A member eligible when appointed may continue for the remainder of the term regardless of the member's continued eligibility for the category. The Commission shall elect a chairman from its membership for a one-year term.

§120-160. Compensation.

Members of the Commission who are members of the General Assembly shall receive subsistence and travel allowances as provided by G.S. 120-3.1. Members who are State officers or employees shall receive subsistence and travel allowances as provided by G.S. 138-6. All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

§ 120-161. Facilities and staff.

The Commission may meet in the Legislative Building or the Legislative Office Building. Staff for the Commission shall be

provided by the Legislative Services Commission. The Commission may contract with the Institute of Government, the Local Government Commission, the Department of Environment and Natural Resources, or other agencies as may be necessary in completing any required studies, within the funds appropriated to the Commission.

§120-162. Reserved for future codification purposes.

PART 2. Procedure for Incorporation Review.

§120-163. Petition.

(a) The process of seeking the recommendation of the Commission is commenced by filing with the Commission a petition signed by fifteen percent (15%) of the registered voters of the area proposed to be incorporated, but by not less than 25 registered voters of that area, asking for incorporation.

(b) The petition must be verified by the county board of elections of the county where the voter is alleged to be registered. The board of elections shall cause to be examined the signature, shall place a check mark beside the name of each signer who is qualified and registered to vote in that county in the area proposed to be incorporated, and shall attach to the petition a certificate stating the number of voters registered in that county in the area proposed to be incorporated, and the total number of registered voters who have been verified. The county board of elections shall return the petition to the person who presented it within 15 working days of receipt.

(c) The petition must include a proposed name for the city, a map of the city, a list of proposed services to be provided by the proposed municipality, the names of three persons to serve as interim governing board, a proposed charter, a statement of the estimated population, assessed valuation, degree of development, population density, and recommendations as to the form of government and manner of election. The proposed municipality may not contain any noncontiguous areas.

(d) The petitioners must present to the Commission the verified petition from the county board of elections.

(e) A petition must be submitted to the Commission at least 60 days prior to convening of the next regular session of the General Assembly in order for the Commission to make a recommendation to that session.

§120-164. Notification.

(a) Not later than five days before submitting the petition to the Commission, the petitioners shall notify:

- (1) The board or boards of county commissioners of the county or counties where the proposed municipality is located;
- (2) All cities within that county or counties; and
- (3) All cities in any other county that are within five miles of the proposed municipality of the intent to present the petition to the Commission.

(b) The petitioners shall also publish, one per week for two consecutive weeks, with the second publication no later than seven days before submitting the petition to the Commission, notice in a newspaper of general circulation in the area proposed to be incorporated of the intent to present the petition to the Commission.

§120-165. Initial inquiry.

(a) The Commission shall, upon receipt of the petition, determine if the requirements of G.S. 120-163 and G.S. 120-164 have been met. If it determines that those requirements have not been met, it shall return the petition to the petitioners. The Commission shall also publish in the North Carolina Register notice that it has received the petition.

(b) If it determines that those requirements have been met, it shall conduct further inquiry as provided by this Part.

***** § 120-166. Additional criteria; nearness to another municipality.**

(a) The Commission may not make a positive recommendation if the proposed municipality is located within one mile of a municipality of 5,000 to 9,999, within three miles of a municipality of 10,000 to 24,999, within four miles of a municipality of 25,000 to 49,999, or within five miles of a municipality of 50,000 or over, according to the most recent decennial federal census, or according to the most recent annual estimate of the Office of State Budget and Management if the municipality was incorporated since the return of that census.

(b) Subsection (a) of this section does not apply in the case of proximity to a specific municipality if:

- (1) The proposed municipality is entirely on an island that the nearby city is not on;
- (2) The proposed municipality is separated by a major river or other natural barrier from the nearby city, such that provision of municipal services by

the nearby city to the proposed municipality is infeasible or the cost is prohibitive, and the Commission shall adopt policies to implement this subdivision;

- (3) The municipalities within the distances described in subsection (a) of this section by resolution express their approval of the incorporation; or
- (4) An area of at least fifty percent (50%) of the proposed municipality has petitioned for annexation to the nearby city under G.S. 160A-31 within the previous 12 months before the incorporation petition is submitted to the Commission but the annexation petition was not approved.

*** The 1998 amendment, effective November 1, 1998, rewrote subdivision (b)(3), which formerly read "The nearby municipality by resolution expresses its approval of the incorporation; or". The amendment is applicable to annexations for which the resolution of intent is adopted on or after November 1, 1998, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that effective date.

§120-167. Additional criteria; population.

The Commission may not make a positive recommendation unless the proposed municipality has a permanent population of at least 100.

§120-168. Additional criteria; development.

Except when the entire proposed municipality is within two miles of the Atlantic Ocean, Albemarle Sound, or Pamlico Sound, the Commission may not make a positive recommendation unless forty percent (40%) of the area is developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.

§120-169. Additional criteria; area unincorporated.

The Commission may not make a positive recommendation if any of the proposed municipality is included within the boundary of another incorporated municipality, as defined by G.S. 153A-1(1).

***** § 120-169.1. Additional criteria; level of development, services.**

(a) Level of Development. -- The Commission may not make a positive recommendation unless the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c).

(b) Services. -- The Commission may not make a positive recommendation unless the area to be incorporated submits a plan for providing a reasonable level of municipal services. To meet the requirements of this subsection, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

- (1) Police protection.
- (2) Fire protection.
- (3) Garbage and refuse collection or disposal.
- (4) Water distribution.
- (5) Sewer collection or disposal.
- (6) Street maintenance, construction, or right-of-way acquisition.
- (7) Street lighting.
- (8) Adoption of citywide planning and zoning.

*** This section becomes effective November 1, 1998, is applicable to annexations for which the resolution of intent is adopted on or after that date, and shall not apply to any incorporation proposal originally presented to the Joint Legislative Commission on Municipal Incorporations prior to that date.

§120-170. Findings as to services.

The Commission may not make a positive recommendation unless it finds that the proposed municipality can provide at a reasonable tax rate the services requested by the petition, and finds that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. In making findings under this section, the Commission shall take into account municipal services already being provided.

§120-171. Procedures if findings made.

(a) If the Commission finds that it may not make a positive recommendation because of the provisions of G.S. 120-166 through G.S. 120-170, it shall make a negative recommendation to the General Assembly. The report to the General Assembly shall list the grounds on which a negative recommendation is made, along

with specific findings. If a negative recommendation is made, the Commission shall notify the petitioners of the need for a legally sufficient description of the proposed municipality if the proposal is to be considered by the General Assembly. At the request of a majority of the members of the interim board named in the petition, the Commission may conduct a public hearing and forward any comments or findings made as a result of that hearing along with the negative recommendation.

(b) If the Commission determines that it will not be barred from making a positive recommendation by G.S. 120-166 through G.S. 120-170, it shall require that petitioners have a legally sufficient description of the proposed municipality prepared at their expense as a condition of a positive recommendation.

(c) If the Commission determines that it is not barred from making a positive recommendation, it shall make a positive recommendation to the General Assembly for incorporation.

(d) The report of the Commission on a petition shall be in a form determined by the Commission to be useful to the General Assembly.

§120-172. Referendum.

Based on information received at the public hearing, the Commission may recommend that any incorporation act passed by the General Assembly shall be submitted to a referendum, except if the petition contained the signatures of fifty percent (50%) of registered voters the Commission shall not recommend a referendum.

§120-173. Modification of petition.

With the agreement of the majority of the persons designated by the petition as an interim governing board, the Commission may submit to the General Assembly recommendations based on deletion of areas from the petition, as long as there are no noncontiguous areas.

§120-174. Deadline for recommendations.

If the petition is timely received under G.S. 120-163(e), the Commission shall make its recommendation to the General Assembly no later than 60 days after convening of the next regular session after submission of the petition.

§120-175 through 120-179: Reserved for future codification purposes.

APPENDIX C

MAP OF PROPOSED TOWN

The map describing the specific area of the current Community of Hebron that is proposed to be included in the Town of Herbon appears on the following page.

The legal description of the boundaries of the Town is listed below. In selecting these boundaries, we have followed a set of criteria in which the goal is to preserve the residential agricultural and historic atmosphere of the area, as determined by the residents.

Legal Description

The incorporated Town of Hebron shall consist of the tracks of land in the Cheeks Township of Orange County, generally described as those properties between Interstate 85, Bowman Road, West Ten Road, Buckhorn Road, Yarborough Road and the Orange County Line, and described more specifically as follows:

BOUNDARY OF THE TOWN OF HEBRON, NORTH CAROLINA:

1. Beginning at the intersection of highways West Ten and Buckhorn Road and running East along the Northern boundaries of the following properties:

Tax Map	Lot Number
3-43	20
"	21A

2. The property proceeds South along the Eastern boundaries of the following properties:

Tax Map	Lot Number
3-43	21A
"	32H
"	32J
"	29A
"	32B
3-48	12C
"	11

3. The boundary turns SouthWest at Bushy Cook Road and procedes Southwest along the Southern boundaries of the following properties:

Tax Map	Lot Number
3-48	11
"	11A
"	10

4. The boundary then proceeds South along the Eastern boundary of the following properties:

Tax Map	Lot Number
3-53	11E

14. The boundary then turns West and proceeds along the Southern boundary of the following property:

Tax Map	Lot Number
3-53	11E

15. The boundary then turns South and proceeds along the Eastern boundary of the following property:

Tax Map	Lot Number
3-53	12

16. The boundary then turns West and proceeds along the Southern boundary of the following property:

Tax Map	Lot Number
3-53	12

17. The boundary then turns Northwest and proceeds along the Western boundary of the following property:

Tax Map	Lot Number
3-53	12

18. The boundary then proceeds to the Southern boundary of Yarborough Road where it turns Southwest and proceeds along the Eastern boundary of property 6-1/7, The boundary then turns west at the Southern boundary of 6-1/7 and runs West along the Southern boundaries of the following properties:

Tax Map	Lot Number
6-1	7
6-1	6

The boundary then crosses Yarborough Road and turns Southwest. It then runs Southwest along the Southern boundaries of the following property:

Tax Map	Lot Number
6-1	47
"	4
"	4E
"	4B

19. The boundary then proceeds North along Mebane Oaks Road, running with the western boundaries of the following properties:

Tax Map	Lot Number
6-1	4A
"	4
"	2
3-53	13
"	14
"	14A
"	14B
"	2

Tax Map	Lot Number
3-48	10
"	23
"	22

5. The boundary then proceeds Southwest along Yarborough Road along the Southern boundaries of the following properties:

Tax Map	Lot Number
3-48	22
3-54	1D

6. The boundary then proceeds South along the Eastern boundary of the following properties:

Tax Map	Lot Number
3-54	1H
"	2A

7. The boundary then turns West and runs along the Southern boundary of the following property:

Tax Map	Lot Number
3-54	2A

8. The boundary then turns Northwest along the Western boundaries of the following properties:

Tax Map	Lot Number
3-54	2A
"	2

9. The boundary then turns South and proceeds along the Eastern boundary of the following property:

Tax Map	Lot Number
3-54	1

10. The boundary turns West and proceeds along the Southern Boundary of the following property:

Tax Map	Lot Number
3-54	1

11. The boundary then turns South at the intersection with Property 3-53/9A and proceeds South long the Eastern boundaries of the following properties:

Tax Map	Lot Number
3-53	9A
"	9

12. The boundary then proceeds West along the Southern boundary of the following property:

Tax Map	Lot Number
3-53	9

13. The boundary then turns South and proceeds along the Eastern boundary of the following property:

" 22

20. The boundary then intersects Hebron Church Road and proceeds East along Hebron Church Road running with the Northern boundaries of the following properties:

Tax Map	Lot Number
3-53	2
"	2A

21. The boundary then crosses Hebron Church Road at the Western boundary of Property 3-53/27 and then proceeds North along the Western boundary of Property 3-53/27. The boundary then turns East at the Northern boundary of Property 3-53/27. The boundary then turns Northwest at the Western boundary of Property 3-47/25.

22. The boundary then proceeds Northwest along the Western boundaries of the following properties:

Tax Map	Lot Number
3-47	25
"	7

23. The boundary then crosses L. A. Dixon Jr. Road and turns East along the Northern boundary of L. A. Dixon Jr. Road. The boundary then turns North and proceeds North along the Western boundary of Property 3-47/7. It then turns East and runs East along the Northern boundary of Property 3-47/7 until it intersects with the Western boundary of Property 3-47/11. The boundary then runs Northwest along the Western boundary of Property 3-47/11. The boundary then turns Northeast at the Northern boundary of Property 3-47/11 and runs Northeast along the Northwest boundary of Property 3-47/11 until it reaches Bowman Road. It then turns East along Bowman Road and runs East with the Northern boundaries of the following properties:

Tax Map	Lot Number
3-47	11
"	13
3-47	19

24. The boundary then crosses Ben Wilson Road and runs North along the Western boundary of Property 3-42/1 running along the Northern boundary of Property 3-42/1 until it reaches the Northern boundary of Property 3-42/1. It then proceeds East along the Northern boundaries of the following properties:

Tax Map	Lot Number
3-42	1
"	21

25. The boundary turns North at the intersection of the Western boundary of Property 3-42/7 and runs North with the Western boundaries of the following properties:

Tax Map	Lot Number
3-42	7
3-21	25

26. The boundary turns east as it reaches Interstate 85/40 and runs East along Interstate 85 with the Northern boundaries of the following properties:

Tax Map	Lot Number
3-21	25

27. The boundary turns South when it reaches West Ten Road and runs SouthEast along West Ten Road with the Eastern boundary of Property 3-21/22A. The boundary then crosses Rock Quarry Road and then continues SouthEast, running with the Northern boundaries of the following properties:

Tax Map	Lot Number
3-21	23
3-42	12G
"	12H
"	12P
"	12E
"	12A

28. The boundary then crosses West Ten Road at the Western boundary of Property 3-21/30A and turns North running North with the Western boundary of the following properties:

Tax Map	Lot Number
3-21	30A
"	30

29. The boundary then turns East at the Northern boundary of Property 3-21/30 and runs East along the Northern boundary of Property 3-21/30 until it reaches the Eastern boundary of Property 3-21/30 where it turns South and runs South with the Eastern boundary of Property 3-21/30. The boundary turns East at the Northern boundary of Property 3-28/1 and runs East with the Northern boundary of Property 3-28/1. It turns South at the Eastern boundary of Property 3-28/1 and runs South with the Eastern boundary of Property 3-28/1. It turns East at the Northern boundary of Property 3-43/21 and runs East along the Northern boundary of Property 3-43/21. The boundary turns South at Buckhorn Road and runs South along Buckhorn Road with the Eastern boundary of Property 3-43/21 until it returns to the starting point.

LIST OF SERVICES TO BE PROVIDED

The proposed services to be provided to the Town of Hebron are described as follows:

- a) House-to-house Garbage Pickup, to be provided by a private contract service.
- b) Completion and implementation of ordinances to establish the Hebron Historic District.
- c) Police Protection as provided by the Orange County Sheriff's Department.
- d) Fire Protection as provided by Efland Cheeks Fire Department.
- e) Street maintenance, construction, rights of way and acquisition as provided by Orange County and North Carolina Department of Transportation.
- f) Adoption of Citywide Planning and Zoning.

NAMES OF PARTICIPANTS ON INTERIM GOVERNING BOARD

The following residents of the proposed Town of Hebron have agreed to serve on the Interim Governing Board for the Town until such time as elections can be held:

Terry Adams
7400 Yarborough Road
Mebane NC 27302
304.4552

Ann Brice and Gary McAlister
1409 Whitaker Road
Mebane NC 27302
563.4417

Louise Heath
7407 Bowman Road
Mebane NC 27302
563.6741

Lynne Holtkamp
2004 Ben Wilson Road
Mebane NC 27302
563-8510

Chris and Nancy Kametches
7317 Hebron Church Road
Mebane NC 27302
563.1816

Henry and Margaret Lankford
2021 Ben Wilson Road
Mebane, NC 27302
563-5121

J.E. Lloyd
6507 West Ten Road
Mebane NC 27302
563.1296

Kae Nelson
2002 Ben Wilson Road
Mebane NC 27302
563-2812

Rev. Carson Tyson
8204 Hebron Church Road
Mebane NC 27302
304.3187

Henry and Elizabeth Webster
1815 Buckhorn Road
Mebane NC 27302
563.1363

Bill and Frankie Wilkinson
8700 Hebron Church Road
Mebane NC 27302

Nadine Wilson
Old Hillsborough Road
Mebane NC 27302
563.2192

Connie Yarborough
7715 Yarborough Road
Mebane NC 27302
563.1308

Ethel Yarborough
7610 Yarborough Road
Mebane. NC 27302
563.5100

PROPOSED CHARTER OF THE TOWN OF HEBRON

Chapter I

Incorporation and Corporate Powers

Section 1.1 Incorporation and corporate powers. The inhabitants of the Town of Hebron are a body corporate and politic under the name The Town of Hebron. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed upon cities by the general law of North Carolina.

Chapter II

Corporate Boundaries

Section 2.1 Town boundaries. (a) Until modified in accordance with law, the boundaries of the Town of Hebron are as follows:

The incorporated Town of Hebron shall consist of the tracts of land in the Cheeks Township of Orange County, generally described as those properties between Interstate 85, Bowman Road, West Ten Road, Buckhorn Road, Yarborough Road, and the Orange County Line, and described more specifically as follows:

Boundary of the Town of Hebron, North Carolina:

1. Beginning at the intersection of highways West Ten and Buckhorn Road and running East along the Northern boundaries of the following properties:

Tax Map	Lot Number
3-43	20
"	21A

2. The property proceeds South along the Eastern boundaries of the following properties:

Tax Map	Lot Number
3-43	21A
"	32H
"	32J
"	29A
"	32B
3-48	12C
"	11

3. The boundary turns Southwest at Bushy Cook Road and proceeds southwest along the Southern boundaries of the following properties:

Tax Map	Lot Number
3-48	11

" 11A
" 10

4. The boundary then proceeds South along the Eastern boundary of the following properties:

Tax Map	Lot Number
3-48	10
"	23
"	22

5. The boundary then proceeds southwest along Yarborough Road along the Southern boundaries of the following properties:

Tax Map	Lot Number
3-48	22
3-54	1D

6. The boundary then proceeds South along the Eastern boundary of the following properties:

Tax Map	Lot Number
3-54	1H
"	2A

7. The boundary then turns West and runs along the Southern boundary of the following property:

Tax Map	Lot Number
3-54	2A

8. The boundary then turns Northwest along the Western boundaries of the following properties:

Tax Map	Lot Number
3-54	2A
"	2

9. The boundary then turns South and proceeds along the Eastern boundary of the following property:

Tax Map	Lot Number
3-54	1

10. The boundary turns West and proceeds along the Southern Boundary of the following property:

Tax Map	Lot Number
3-54	1

11. The boundary then turns South at the intersection with Property 3-53/9A and proceeds South long the Eastern boundaries of the following properties:

Tax Map	Lot Number
3-53	9A
"	9

12. The boundary then proceeds West along the Southern boundary of the following property:

Tax Map	Lot Number
3-53	9

13. The boundary then turns South and proceeds along the Eastern boundary of the following property:

Tax Map	Lot Number
3-53	11E

14. The boundary then turns West and proceeds along the Southern boundary of the following property:

Tax Map	Lot Number
3-53	11E

15. The boundary then turns South and proceeds along the Eastern boundary of the following property:

Tax Map	Lot Number
3-53	12

16. The boundary then turns West and proceeds along the Southern boundary of the following property:

Tax Map	Lot Number
3-53	12

17. The boundary then turns Northwest and proceeds along the Western boundary of the following property:

Tax Map	Lot Number
3-53	12

18. The boundary then proceeds to the Southern boundary of Yarborough Road where it turns Southwest and proceeds along the Eastern boundary of property 6-1/7. The boundary then turns west at the Southern boundary of 6-1/7 and runs West along the Southern boundaries of the following properties:

Tax Map	Lot Number
6-1	7
6-1	6

The boundary then crosses Yarborough Road and turns Southwest. It then runs Southwest along the Southern boundaries of the following property:

Tax Map	Lot Number
6-1	47
"	4
"	4E
"	4B

19. The boundary then proceeds North along Mebane Oaks Road, running with the western boundaries of the following properties:

Tax Map	Lot Number
6-1	4A
"	4

"	2
3-53	13
"	14
"	14A
"	14B
"	2
"	22

20. The boundary then intersects Hebron Church Road and proceeds East along Hebron Church Road running with the Northern boundaries of the following properties:

Tax Map	Lot Number
3-53	2
"	2A

21. The boundary then crosses Hebron Church Road at the Western boundary of Property 3-53/27 and then proceeds North along the Western boundary of Property 3-53/27. The boundary then turns East at the Northern boundary of Property 3-53/27. The boundary then turns northwest at the Western boundary of Property 3-47/25.

22. The boundary then proceeds northwest along the Western boundaries of the following properties:

Tax Map	Lot Number
3-47	25
"	7

23. The boundary then crosses L. A. Dixon Jr. Road and turns East along the Northern boundary of L. A. Dixon Jr. Road. The boundary then turns North and proceeds North along the Western boundary of Property 3-47/7. It then turns East and runs East along the Northern boundary of Property 3-47/7 until it intersects with the Western boundary of Property 3-47/11. The boundary then runs North West along the Western boundary of Property 3-47/11. The boundary then turns Northeast at the Northern boundary of Property 3-47/11 and runs Northeast along the Northwest boundary of Property 3-47/11 until it reaches Bowman Road. It then turns East along Bowman Road and runs East with the Northern boundaries of the following properties:

Tax Map	Lot Number
3-47	11
"	13
3-47	19

24. The boundary then crosses Ben Wilson Road and runs North along the Western boundary of Property 3-42/1 and runs North as it turns Northwest until it reaches the Northern boundary of Property 3-42/1. It then proceeds East along the Northern boundaries of the following properties:

Tax Map	Lot Number
3-42	1
"	21

25. The boundary turns North at the intersection of the Western boundary of Property 3-42/7 and runs North with the Western boundaries of the following properties:

Tax Map	Lot Number
3-42	7
3-21	25

26. The boundary turns east as it reaches Interstate 85/40 and runs East along Interstate 85 with the Northern boundaries of the following properties:

Tax Map	Lot Number
3-21	25
"	22

27. The boundary turns South when it reaches West Ten Road and runs Southeast along West Ten Road with the Eastern boundary of Property 3-21/22A. The boundary then crosses Rock Quarry Road and then continues Southeast, running with the Northern boundaries of the following properties:

Tax Map	Lot Number
3-21	23
3-42	12G
"	12H
"	12P
"	12E
"	12A

28. The boundary then crosses West Ten Road at the Western boundary of Property 3-21/30A and turns North running North with the Western boundary of the following properties:

Tax Map	Lot Number
3-21	30A
"	30

29. The boundary then turns East at the Northern boundary of Property 3-21/30 and runs East along the Northern boundary of Property 3-21/30 until it reaches the Eastern boundary of Property 3-21/30 where it turns South and runs South with the Eastern boundary of Property 3-21/30. The boundary turns East at the Northern boundary of Property 3-28/1 and runs East with the Northern boundary of Property 3-28/1. It turns South at the Eastern boundary of Property 3-28/1 and runs South with the Eastern boundary of Property 3-28/1. It turns East at the Northern boundary of Property 3-43/21 and runs East along the Northern boundary of Property 3-43/21. The boundary turns South at Buckhorn Road and runs South along Buckhorn Road with the Eastern boundary of Property 3-43/21 until it returns to the starting point.

The described boundary includes some 2300 acres more or less. The footage in this description is taken from approximations based on the Alamance County tax maps for the Haw River & Melville Townships.

Chapter III Governing Body

Section 3.1. Structure of governing body; number of members.

The governing body of the Town of Hebron is the Town Council, which has 5 members.

Section 3.2. Manner of electing Council. The qualified voters of the entire Town elect the members of the Council.

Section 3.3. Term of office of Council members. Members of the Town Council are elected to four-year terms, except at the initial elections in 1999 when the three highest vote-getters who are elected shall be elected to four-year terms and the next two highest vote-getters shall be elected to two-year terms. In 2001

and quadrennially thereafter, two members of the Council shall be elected for four-year terms. In 2003 and quadrennially thereafter, three members of the Council shall be elected for four-year terms.

Section 3.4. Selection of Mayor; term of office. At the organizational meeting of the interim Council and at the organizational meeting after each election, the Council shall elect one of its members to serve as Mayor at its pleasure. The Mayor has the right to vote on all matters before the Council.

Chapter IV Elections

Section 4.1. Conduct of Town Elections. The Town Council shall be elected on a nonpartisan basis. Elections shall be conducted in accordance with Chapter 163 of the General Statutes.

Section 4.2. Determination of Election Results. The results shall be determined by the plurality method in accordance with G.S. 163-292.

Chapter V Administration

Section 5.1. Mayor-Council plan. The Town of Hebron operates under the Mayor-Council plan as provided by Part 3 of Article 7 of Chapter 160A of the General Statutes.

Section 5.2. Administration of taxes. From and after the effective date of the incorporation, the citizens and property in the Town of Hebron shall be subject to municipal taxes levied for the year beginning July 1, 1999, and for that purpose the Town shall obtain from Orange County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1999; and the businesses in the Town shall be liable for privilege license tax from the effective date of the privilege license tax ordinance. The Town may adopt a budget ordinance for fiscal year 1999-2000 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1999-2000, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance levying them, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable September 1, 1999.

Section 5.3. Interim Governing Board. Until members of the Town Council are elected in 1999 in accordance with the Town Charter and the law of North Carolina, the Interim Town Council shall serve as members of the Town Council. The initial meeting of the Town Council shall be called by the Clerk to the Board of Commissioners of Orange County.

Section 5.4. Eligibility for State funds. The Town of Hebron is eligible to receive distributions of State funds during fiscal year 1999-2000

RECOMMENDATIONS AS TO FORM OF GOVERNMENT
AND MANNER OF ELECTIONS

The following recommendations are also included under Tab 7. Proposed Charter of the Town of Hebron.

Structure of governing body; number of members. The governing body of the Town of Hebron is the Town Council, which has 5 members.

Manner of electing Council. The qualified voters of the entire Town elect the members of the Council.

Term of office of Council members. Members of the Town Council are elected to four-year terms, except at the initial election in 1999 when the three highest vote-getters who are elected shall be elected to four-year terms and the next two highest vote-getters shall be elected to two-year terms. In 2001 and quadrennially thereafter, two members of the Council shall be elected for four-year terms. In 2003 and quadrennially thereafter, three members of the Council shall be elected for four-year terms.

Selection of Mayor; term of office. At the organizational meeting of the interim Council and at the organizational meeting after each election, the Council shall elect one of its members to server as Mayor at its pleasure. The Mayor has the right to vote on all matters before the Council.

Conduct of Town Elections. The Town Council shall be elected on a nonpartisan basis. Elections shall be conducted in accordance with Chapter 163 of the General Statues.

Determination of Election Results. The results shall be determined by the plurality method in accordance with G.S. 163-292.

Terry Adams
7400 Yarborough Road
Mebane NC
304.4552

Ann Brice and Gary McAlister
1409 Whitaker Road
Mebane NC
563.4417

Louise Heath
7407 Bowman Road
Mebane NC
563.6741

Lynne Holtkamp
2004 Ben Wilson Road
Mebane NC
563-8510

Chris and Nancy Kametches

7317 Hebron Church Road
Mebane NC
563.1816

Henry and Margaret Lankford
2021 Ben Wilson Road
Mebane, NC
563-5121

J.E. Lloyd
6507 West Ten Road
Mebane NC
563.1296

Kae Nelson
2002 Ben Wilson Road
Mebane NC 27302
563-2812

Rev. Carson Tyson
8204 Hebron Church Road
Mebane NC
304.3187

Henry and Elizabeth Webster
1815 Buckhorn Road
Mebane NC
563.1363

Bill and Frankie Wilkinson
8700 Hebron Church Road
Mebane NC

Nadine Wilson
Old Hillsborough Road
Mebane NC
563.2192

Connie Yarborough
7716 Yarborough Road
Mebane NC
563.1308

Ethel Yarborough
7610 Yarborough Road

Mebane, NC
563.5100

ESTIMATED POPULATION

Population of the proposed Town of Herbon:

323 persons

Source: This total population was based on an average of adjusted 1990 census figures and the average number of persons per household multiplied by the number of households from Orange County Tax Maps.

ASSESSED VALUATION

Assessed Valuation of the proposed Town of Hebron is as follows:
\$ 13,328,056.00

Source: Of this total value, \$13,328,056.00 was obtained from the Orange County Property Tax computer database and represents the combined real property value of all 226 lots within the proposed boundaries, except for 2 lots which are tax exempt. The values of those 2 lots were estimated as having a value of \$100,000.00

DEGREE OF DEVELOPMENT

Development and Land Use, in acres (G.S. 120-168)

Residential	3457 Acres
Commercial	1 Acre (1 Stores, etc.)
Dedicated Open Space	0 Acres
Governmental	0 Acres (Schools)
Industrial	0 Acres
Institutional	7 Acres (2 Churches)

TOTAL 3465.89 Acres

Area included in proposed Town boundaries:

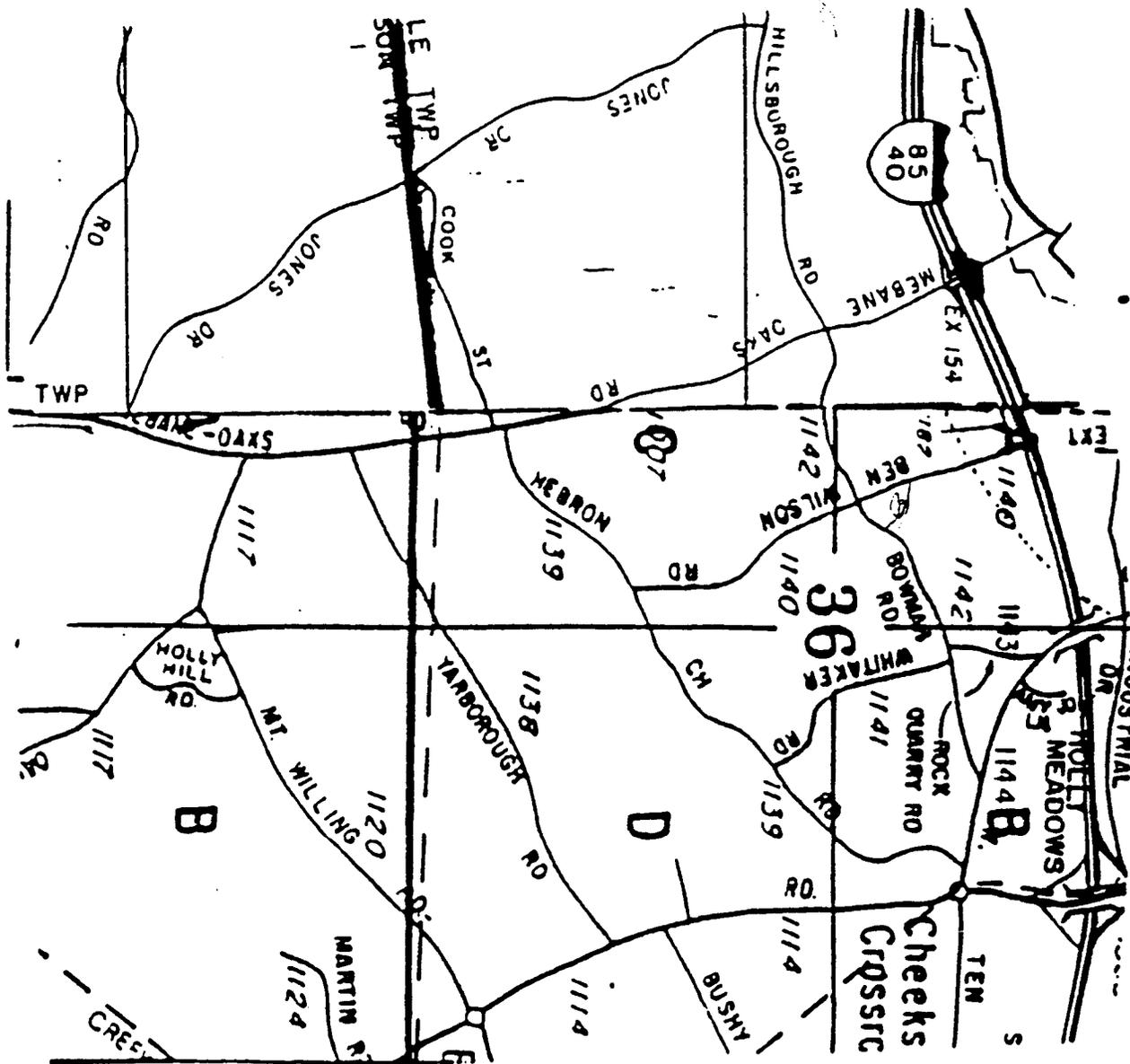
3465.89 Acres (approximately 5.42 square miles).

Source: Of this total acreage, 3465.89 acres was obtained from either the Orange County Tax Maps, the Property Tax computer database, or from property-owners estimates. This total represents the combined acreage of all 226 lots within the proposed boundaries.

POPULATION DENSITY

Population Density of the proposed Town of Hebron:

60 persons per square mile.



85
40

MEBANE EX 154

HILLSBOROUGH RD
OAKS

JONES

LE TWP
SOM TWP

COOK ST

JONES DR

RD

TWP

SXVO-OAKS

1007

NEBRON RD

1139

1142 WILSON

187 BEN

BOYMAN

WHITAKER

ROCK QUARRY RD

1141

36

CH

1140

RD 1139

BUSHY

1114

YARBOROUGH RD

1138

1120

MT. WILLINGO

B

HOLLY HILL RD

1117

CREST

MARTIN

1124

INDUSTRIAL DR
HOLLY MEADOWS

B

TEN

Checks Crossrc

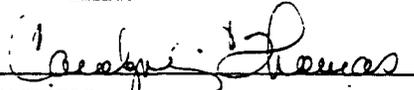
B. VERIFICATION AND CERTIFICATION OF PETITION BY
THE ORANGE COUNTY BOARD OF ELECTIONS
(G.S. 120-163(b))

The Orange County Board of Elections has examined the petition to the Joint Legislative Commission on Municipal Incorporation from the citizens of the Hebron Community of Orange County who are seeking incorporation of the community as the Town of Hebron.

The Board certifies that there are 224 qualified and registered voters in the area proposed for incorporation as the Town of Hebron and that the petition contains the signatures of 157 qualified and registered voters who reside within the boundaries of the proposed Town. The petition thus contains the signatures of 70 percent of the qualified and registered voters within the limits of the proposed Town.

We have placed a check mark beside the signature of each person who is a qualified and registered voter of the county and who resides in the area proposed for incorporation.

This the 27 day of October, 1998.



Supervisor
Orange County Board of Elections



ORANGE COUNTY BOARD OF ELECTIONS

110 EAST KING STREET
POST OFFICE BOX 220
HILLSBOROUGH, NORTH CAROLINA

According to Ms. Lynne Holtkamp, the boundaries for the proposed area are listed below. Also listed are the house numbers on the indicated roads and the total number of active voters registered for that area.

House #1302-#2027 on Ben Wilson Rd = 12
House #6616-#8000 on Bowman Rd = 11
House #1003-#1820 on Buckhorn Rd = 52
House #2601 on Bushy Cook Rd = 1
House #7018 on Danny Dr = 2
House #6205-#8700 on Hebron Church Rd = 43
House #6104-#6324 on Kathy Dr = 15
House #8001 on L A Dixon Rd = 3
House #2360-#2436 on Mebane Oaks Rd = 8
House #2710 on Mebane Oaks Rd = 1
House #2716-#2730 on Mebane Oaks Rd = 7
House #6103-#6507 on West Ten Rd = 14
House #1117-#1616 on Whitaker Rd = 11
House #6014 on Windy Oaks Dr = 2
House #6115 on Yarborough Rd = 2
House #6205-#7715 on Yarborough Rd = 36
House #7914 on Yarborough Rd = 2
House #7921 on Yarborough Rd = 2

Total # of active registered voters in the above indicated areas are: 224

Pat Sanes

11-24-98

Pat Sanes
Deputy Director

NOTICE
Notice is hereby given that a petition will be presented to the Joint Legislative Commission on Municipal Incorporation for the incorporation of the Town of Hebron.
November 11, 18, 25, 1998

AFFIDAVIT OF INSERTION OF ADVERTISEMENT

The Times-News Publishing Company

Burlington, NC
Alamance County

I, **Melissa Blaylock** Legal Advertising Manager of the **The Times-News Publishing Co.**, do certify that the advertisement of **Roberti, Wittenberg, Holtkamp, & Lauffer, P.A.** entitled **NOTICE**

Measuring **9** Lines appeared in **The Times-News**, a newspaper published in **Alamance County, Burlington, NC**, in issues of

November 11, 18, 25, 1998

Melissa Blaylock
Legal Advertising Manager

Sworn to and subscribed before me this 25 day of November, 1998

Lisa C. Maricle
Notary Public

My commission expires September 6, 2003

November 18, 1998
VIA FIRST CLASS MAIL

Orange County Board of Commissioners
Attn: Beverly Blythe
200 South Cameron Street
Hillsborough, North Carolina 27278

Re: Application for the Incorporation of the Town of Hebron

Dear Members of the Orange County Board of Commissioners:

Pursuant to N.C.G.S. 120-164, the Interim Council for the Town of Hebron, provides this Notice of Intent to provide an Application by Petition for the Incorporation of the rural Town of Hebron, in Cheeks Township, Orange County, North Carolina to the Joint Committee for the Incorporation of Municipalities of the North Carolina Legislature.

We welcome your support for the proposed Town of Hebron. If you have any questions concerning this Notification, please contact William Wilkinson, Interim Council Secretary, 8700 Hebron Church Road, Mebane, North Carolina 27302.

November 18, 1998
VIA FIRST CLASS MAIL

Carrboro Board of Aldermen
301 West Main Street
Carrboro, North Carolina 27510

Re: Application for the Incorporation of the Town of Hebron

Dear Board of Aldermen:

Pursuant to N.C.G.S. 120-164, the Interim Council for the Town of Hebron, provides this Notice of Intent to provide an Application by Petition for the Incorporation of the rural Town of Hebron, in Cheeks Township, Orange County, North Carolina to the Joint Committee for the Incorporation of Municipalities of the North Carolina Legislature.

We welcome your support for the proposed Town of Hebron. If you have any questions concerning this Notification, please contact Gary McCalister, Interim Council Secretary, 1409 Whitaker Road, Mebane, North Carolina 27302.

November 18, 1998
VIA FIRST CLASS MAIL

Mebane City Council
Attn: Elaine Hicks, Clerk
106 East Washington Street
Mebane, North Carolina 27302

Re: Application for the Incorporation of the Town of Hebron

Dear Members of the City Council:

Pursuant to N.C.G.S. 120-164, the Interim Council for the Town of Hebron, provides this Notice of Intent to provide an Application by Petition for the Incorporation of the rural Town of Hebron, in Cheeks Township, Orange County, North Carolina to the Joint Committee for the Incorporation of Municipalities of the North Carolina Legislature.

We welcome your support for the proposed Town of Hebron. If you have any questions concerning this Notification, please contact William Wilkinson, Interim Council Secretary, 8700 Hebron Church Road, Mebane, North Carolina 27302.

November 18, 1998
VIA FIRST CLASS MAIL

Hillsborough Town Board of Commisioners
Attn: Donna Armbrister, Clerk
P.O. Box 429
Hillsborough, North Carolina 27278

Re: Application for the Incorporation of the Town of Hebron

Dear Members of the Town Board of Commisioners:

Pursuant to N.C.G.S. 120-164, the Interim Council for the Town of Hebron, provides this Notice of Intent to provide an Application by Petition for the Incorporation of the rural Town of Hebron, in Checks Township, Orange County, North Carolina to the Joint Committee for the Incorporation of Municipalities of the North Carolina Legislature.

We welcome your support for the proposed Town of Hebron. If you have any questions concerning this Notification, please contact William Wilkinson, Interim Council Secretary, 8700 Hebron Church Road, Mebane, North Carolina 27302.

November 18, 1998
VIA FIRST CLASS MAIL

Chapel Hill Town Council
Attn: Joyce Smith, Clerk
306 North Columbia Street
Chapel Hill, North Carolina 27516

Re: Application for the Incorporation of the Town of Hebron

Dear Members of the Town Council:

Pursuant to N.C.G.S. 120-164, the Interim Council for the Town of Hebron, provides this Notice of Intent to provide an Application by Petition for the Incorporation of the rural Town of Hebron, in Cheeks Township, Orange County, North Carolina to the Joint Committee for the Incorporation of Municipalities of the North Carolina Legislature.

We welcome your support for the proposed Town of Hebron. If you have any questions concerning this Notification, please contact William Wilkinson, Interim Council Secretary, 8700 Hebron Church Road, Mebane, North Carolina 27302.

November 18, 1998
VIA FIRST CLASS MAIL

Durham City Council
Attn: Margaret Bowers, Clerk
101 City Hall Plaza
Durham, North Carolina 27701

Re: Application for the Incorporation of the Town of Hebron

Dear City Council Members:

Pursuant to N.C.G.S. 120-164, the Interim Council for the Town of Hebron, provides this Notice of Intent to provide an Application by Petition for the Incorporation of the rural Town of Hebron, in Cheeks Township, Orange County, North Carolina to the Joint Committee for the Incorporation of Municipalities of the North Carolina Legislature.

We welcome your support for the proposed Town of Hebron. If you have any questions concerning this Notification, please contact Gary McCallister, Interim Council Secretary, 1409 Whitaker Road, Mebane, North Carolina 27302.

November 18, 1998
VIA FIRST CLASS MAIL

Durham County Commissioners
Attn: Gary Umstead, Clerk
200 East Main Second Floor
Durham, North Carolina 27701

Re: Application for the Incorporation of the Town of Hebron

Dear County Commissioners:

Pursuant to N.C.G.S. 120-164, the Interim Council for the Town of Hebron, provides this Notice of Intent to provide an Application by Petition for the Incorporation of the rural Town of Hebron, in Cheeks Township, Orange County, North Carolina to the Joint Committee for the Incorporation of Municipalities of the North Carolina Legislature.

We welcome your support for the proposed Town of Hebron. If you have any questions concerning this Notification, please contact Gary McCalister, Interim Council Secretary, 1409 Whitaker Road, Mebane, North Carolina 27302.

**Assessment of Petition
by
Hebron
(Orange County)
for
Incorporation**

**Relative to NC G.S. 120-167.
through NC G.S. 120-170.**

As in Force Prior to November 1, 1998

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Hebron relative to NC G.S. 120-167. through G.S. 120-170. The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167. Additional criteria; population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100. The petition indicates an estimated population of 323, which is well in excess of the minimum requirement. The Division of Community Assistance (DCA) performed a land use survey of the subject area. That survey identified 178 dwelling units in the subject area. The 1990 US Census Bureau data indicates an average of 2.34 persons per household and an occupancy rate of 93 percent. This suggests that 387 persons are likely to reside in those 178 dwellings. A population of 323 (as indicated in the petition) is a reasonable estimate for the area in question. It appears that NC G.S. 120-167. is satisfied.

NC G.S. 120-168. Additional criteria; development.

NC G.S. 120-168. refers to development and requires that at least 40 percent of the area must be "developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.(1985 (Reg. Sess., 1986), c. 1003, s. 1.)".

DCA used a land use survey combined with an analysis of assessment value relative to lot size to determine the degree of development. The survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. The assessment used a residential density minimum of 1 unit per 5 acres as developed for residential purposes.¹ Vacant parcels, forested parcels, or parcels where agricultural use was predominant were considered "undeveloped". For large tracts that were only partially occupied by for commercial, industrial, institutional, or governmental uses the area estimated to be occupied by such uses was considered as developed.

Orange County's zoning data for the subject area identified no parcels that were currently dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants. Nor was there such evidence or claims presented in the petition.

DCA's analysis indicated that 5 percent of the subject area is developed (please refer to Table Exhibit 1 and Map A, Appendix A). It appears that NC G.S. 120-168. is not satisfied.

¹ Reference NC G.S. 160A-41.(2)

**Table Exhibit 1:
Development Relative to NC G.S. 120-168.**

Land Use	Acres
Commercial	1
Industrial	5
Institutional/Governmental	18
Residential	179
Undeveloped	3,290
Total	3695
Total Developed Acreage	203
% Developed	5%

NC G.S. 120-169. Additional criteria; area unincorporated.

NC G.S. 120-169. requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Hebron with the most recently updated NC DOT geographic information system (GIS) data that was provided by NC CGIA and found no evidence that any of the subject area is part of any incorporated municipality. It appears that NC G.S. 120-169. is satisfied.

NC G.S. 120-170. Findings as to services.

NC G.S. 120-170 requires that the proposed municipality can provide, at a reasonable tax rate, the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross assessment value of the proposed municipality as its tax base.² DCA compared the property tax rates, property assessment values, and property tax revenues of ten municipalities that have a population size similar to that of the proposed Town of Hebron.³

For fiscal year 1997-98 the average property tax rate and revenue for the comparison communities were \$0.36/\$100 assessment and \$28,244, respectively (see Table Exhibit 2). In order for the proposed Town of Hebron to generate similar revenues it would have to levy a property tax rate of \$0.16/\$100 assessment (assuming a total assessment of \$18,585,743 and a collection rate of 97 percent).

² Please note that the County tax record information provided to DCA contained some anomalies and was missing some data. Major discrepancies were addressed but some values may still be missing. It is most unlikely that the missing data would affect the conclusions presented in this report.

³ Please note that due to the large proportion of "undeveloped" land (agriculture, forestry etc.), the tax base may be significantly lower than the total of the assessments listed in the tax records. Time constraints made it impractical to perform an analysis of present-use exemptions from the tax base.

**Table Exhibit 2:
Property Tax Rate and Revenues Comparison**

Municipality	Population	Tax Rate/\$100 FY1997-98	Property Tax Revenue
Bakersville	339	0.56	68,051
Bethania	305	0.20	39,433
Brunswick	310	0.51	31,400
Casar	337	0.05	3,289
Mesic	307	0.20	13,191
Parmele	305	0.65	15,789
Saratoga	334	0.62	50,811
St. Helena	341	0.15	16,796
Vandemere	315	0.20	20,838
Creswell	353	0.50	22,842
Average Tax Rate \$0.36/\$100			
Average Property Tax Revenue \$28,244			

The petition indicated that the proposed municipality intends to complete and implement "ordinances to establish the Hebron Historic District." Otherwise, the proposed town does not plan to provide any services that are not already provided by the County or other local agency. However, the petition did not indicate what arrangements the proposed town was planning to make for continuing such services. Nor was there a proposed budget listing estimated expenditures in regard to providing services. Nonetheless, it is most likely that the community could provide such services at a reasonable tax rate. It appears that NC G.S. 120-170. is satisfied.

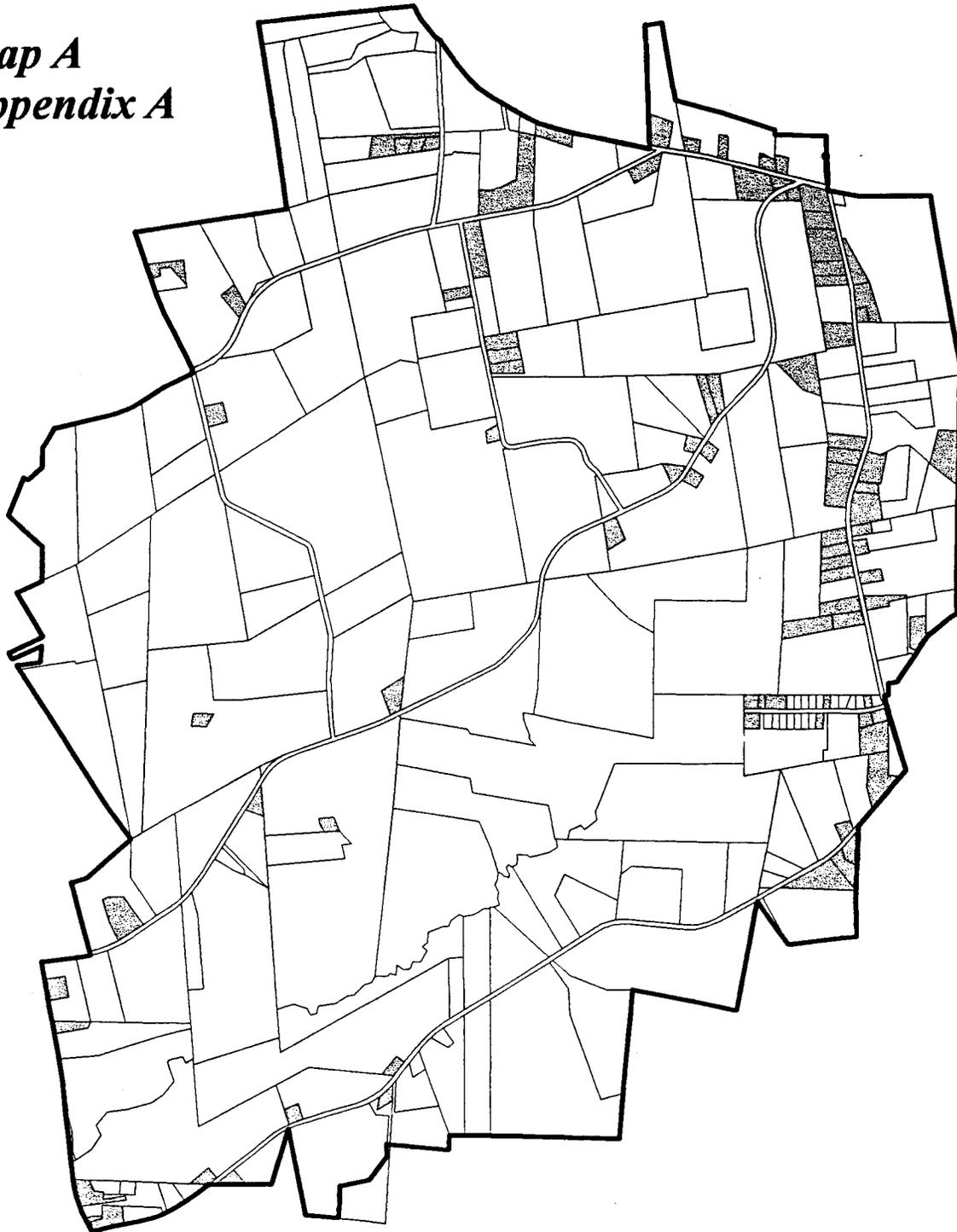
Conclusion

Based on the forgoing, it appears that the proposed Town of Hebron satisfies the North Carolina General Statutes 120-167, 120-169 and 120-170. However, it does not appear to satisfy NC G.S. 120-168. Additional criteria: development. **Accordingly, If the Commission finds that NC G.S. 120-168 is not satisfied, the Commission may not make a positive recommendation on the incorporation of the proposed Town of Hebron.**

Information sources:

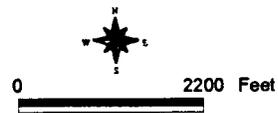
- Petition for Incorporation of the Town of Hebron
- 1990 US Census Summary Table 1A (referenced 03/01/1999)
<http://www.census.gov/cgi-bin/datamap/cnty?37=135>
- Orange County Tax Assessors Office, Tax Maps and 1998 Assessment Data.
- North Carolina League of Municipalities (referenced 03/01/1999)
<http://ncinfo.iog.unc.edu/NCLM/General/Reports/reports.html>
- North Carolina Office of State Treasurer (referenced 03/01/1999)
<http://www.treasurer.state.nc.us/frlgc.htmf>
- NC DOT GIS Data Layers, Distributed by NC CGIA (1998)

Map A
Appendix A



**Hebron Area
Municipal Incorporation
Phase II Study**

- Legend**
-  Hebron Area
 -  Developed Land
 -  Undeveloped Land



**Assessment of Petition
by
Hebron
(Orange County)
for
Incorporation**

**Relative to NC G.S. 120-167.
through NC G.S. 120-170.
(rev. November 1, 1998)**

As in Force After November 1, 1998

**North Carolina Department of Commerce
Division of Community Assistance**

Division of Community Assistance (DCA) staff has reviewed the petition for incorporating the Town of Hebron relative to NC G.S. 120-167. through G.S. 120-170. (revised November 1, 1998). The following discussion addresses each of these sections of the General Statutes.

NC G.S. 120-167. Additional criteria: population.

NC G.S. 120-167 refers to population and requires that the permanent population must be at least 100. The petition indicates an estimated population of 323, which is well in excess of the minimum requirement. The Division of Community Assistance (DCA) performed a land use survey of the subject area. That survey identified 178 dwelling units in the subject area. The 1990 US Census Bureau data indicates an average of 2.34 persons per household and an occupancy rate of 93 percent. This suggests that 387 persons are likely to reside in those 178 dwellings. A population of 323 (as indicated in the petition) is a reasonable estimate for the area in question. It appears that NC G.S. 120-167. is satisfied.

NC G.S. 120-168. Additional criteria: development.

NC G.S. 120-168. refers to development and requires that at least 40 percent of the area must be "developed for residential, commercial, industrial, institutional, or governmental uses, or is dedicated as open space under the provisions of a zoning ordinance, subdivision ordinance, conditional or special use permit, or recorded restrictive covenants.(1985 (Reg. Sess., 1986), c. 1003, s. 1.)".

DCA used a land use survey combined with an analysis of assessment value relative to lot size to determine the degree of development. The survey considered parcels as "developed" if they had land use characteristics that were residential, commercial, institutional or governmental, industrial, or dedicated open spaces. The assessment used a residential density minimum of 1 unit per 5 acres as developed for residential purposes.¹ Vacant parcels, forested parcels, or parcels where agricultural use was predominant were considered "undeveloped". For large tracts that were only partially occupied by for commercial, industrial, institutional, or governmental uses the area estimated to be occupied by such uses was considered as developed.

Orange County's zoning data for the subject area identified no parcels that were currently dedicated as open space under the provisions of a zoning ordinance, subdivision

¹ Reference NC G.S. 160A-41.(2)

ordinance, conditional or special use permit, or recorded restrictive covenants. Nor was there such evidence or claims presented in the petition.

DCA's analysis indicated that 5 percent of the subject area is developed (please refer to Table Exhibit 1 and Map A, Appendix A). It appears that NC G.S. 120-168. is not satisfied.

**Table Exhibit 1:
Development Relative to NC G.S. 120-168.**

Land Use	Acres
Commercial	1
Industrial	5
Institutional/Governmental	18
Residential	179
Undeveloped	3,290
Total	3695
Total Developed Acreage	203
% Developed	5%

NC G.S. 120-169. Additional criteria; area unincorporated.

NC G.S. 120-169. requires that none of the area proposed for incorporation may be included within the boundary of another incorporated municipality. DCA compared the proposed boundary for the Town of Hebron with the most recently updated NC DOT geographic information system (GIS) data that was provided by NC CGIA and found no evidence that any of the subject area is part of any incorporated municipality. It appears that NC G.S. 120-169. is satisfied.

NC G.S. 120-169.1. Additional criteria; level of development, services.

NC G.S. 120-169.1.(a) requires that the entire area proposed for incorporation meets the applicable criteria for development under G.S. 160A-36(c) or G.S. 160A-48(c). In this case the proposed municipality has a population less than 5,000 so G.S. 160A-36(c) applies. G.S. 160A-36(c) requires that at least 60 percent of the total number of lots be used for residential, commercial, industrial, institutional or governmental purposes. The subject area includes 280 lots, 34 percent (96 lots) are used for "residential, commercial, industrial, institutional or governmental purposes." The "use" standard is not satisfied.

G.S. 160A-36(c) also requires that 60 percent of the total acreage of the subject area that is not used for commercial, industrial, institutional or governmental purposes consist of lots and tracts three acres and less in size. Five percent of the subject area that is not used for commercial, industrial, institutional or governmental purposes consists of

lots that are three acres or less in size. That is, 153 acres of 3,479 acres (residential and undeveloped) consists of lots of three acres or less in size. The subdivision standard is not satisfied.

NC G.S. 120-169.1.(b) further requires that the area to be incorporated submit a plan for a reasonable level of municipal services. To meet the requirements of this section, the persons submitting the plan for incorporation must propose to provide at least two of the following services:

- 1) Police protection.
- 2) Fire protection.
- 3) Garbage and refuse collection and disposal.
- 4) Water distribution.
- 5) Sewer collection or disposal.
- 6) Street maintenance, construction, or right-of-way acquisition.
- 7) Street lighting.
- 8) Adoption of citywide planning and zoning.

The petition included a list of the current services that are provided by County and local agencies. However it did not submit a plan for continuing such services. The petition also listed services that it intended to provide but no plan for those services was included either. Still, it does propose to provide at least two of the above services. It appears that NC G.S. 120-169.1.(b) is satisfied.

NC G.S. 120-170. Findings as to services.

NC G.S. 120-170 requires that the proposed municipality can provide, at a reasonable tax rate, the services requested by the petition and that the proposed municipality can provide at a reasonable tax rate the types of services usually provided by similar municipalities. To help quantify this requirement DCA considered the gross assessment value of the proposed municipality as its tax base.² DCA compared the property tax rates, property assessment values, and property tax revenues of ten municipalities that have a population size similar to that of the proposed Town of Hebron.³

For fiscal year 1997-98 the average property tax rate and revenue for the comparison communities were \$0.36/\$100 assessment and \$28,244, respectively (see Table Exhibit 2). In order for the proposed Town of Hebron to generate similar revenues it would have to levy a property tax rate of \$0.16/\$100 assessment (assuming a total assessment of \$18,585,743 and a collection rate of 97 percent).

² Please note that the County tax record information provided to DCA contained some anomalies and was missing some data. Major discrepancies were addressed but some values may still be missing. It is most unlikely that the missing data would affect the conclusions presented in this report.

³ Please note that due to the large proportion of "undeveloped" land (agriculture, forestry etc.), the tax base may be significantly lower than the total of the assessments listed in the tax records. Time constraints made it impractical to perform an analysis of present-use exemptions from the tax base.

**Table Exhibit 2:
Property Tax Rate and Revenues Comparison**

Municipality	Population	Tax Rate/\$100 FY1997-98	Property Tax Revenue
Bakersville	339	0.56	68,051
Bethania	305	0.20	39,433
Brunswick	310	0.51	31,400
Casar	337	0.05	3,289
Mesic	307	0.20	13,191
Parmele	305	0.65	15,789
Saratoga	334	0.62	50,811
St. Helena	341	0.15	16,796
Vandemere	315	0.20	20,838
Creswell	353	0.50	22,842
	Average Tax Rate \$0.36/\$100		
	Average Property Tax Revenue \$28,244		

The petition indicated that the proposed municipality intends to complete and implement "ordinances to establish the Hebron Historic District." Otherwise, the proposed town does not plan to provide any services that are not already provided by the County or other local agency. However, the petition did not indicate what arrangements the proposed town was planning to make for continuing such services. Nor was there a proposed budget listing estimated expenditures in regard to providing services. Nonetheless, it is most likely that the community could provide such services at a reasonable tax rate. It appears that NC G.S. 120-170. is satisfied.

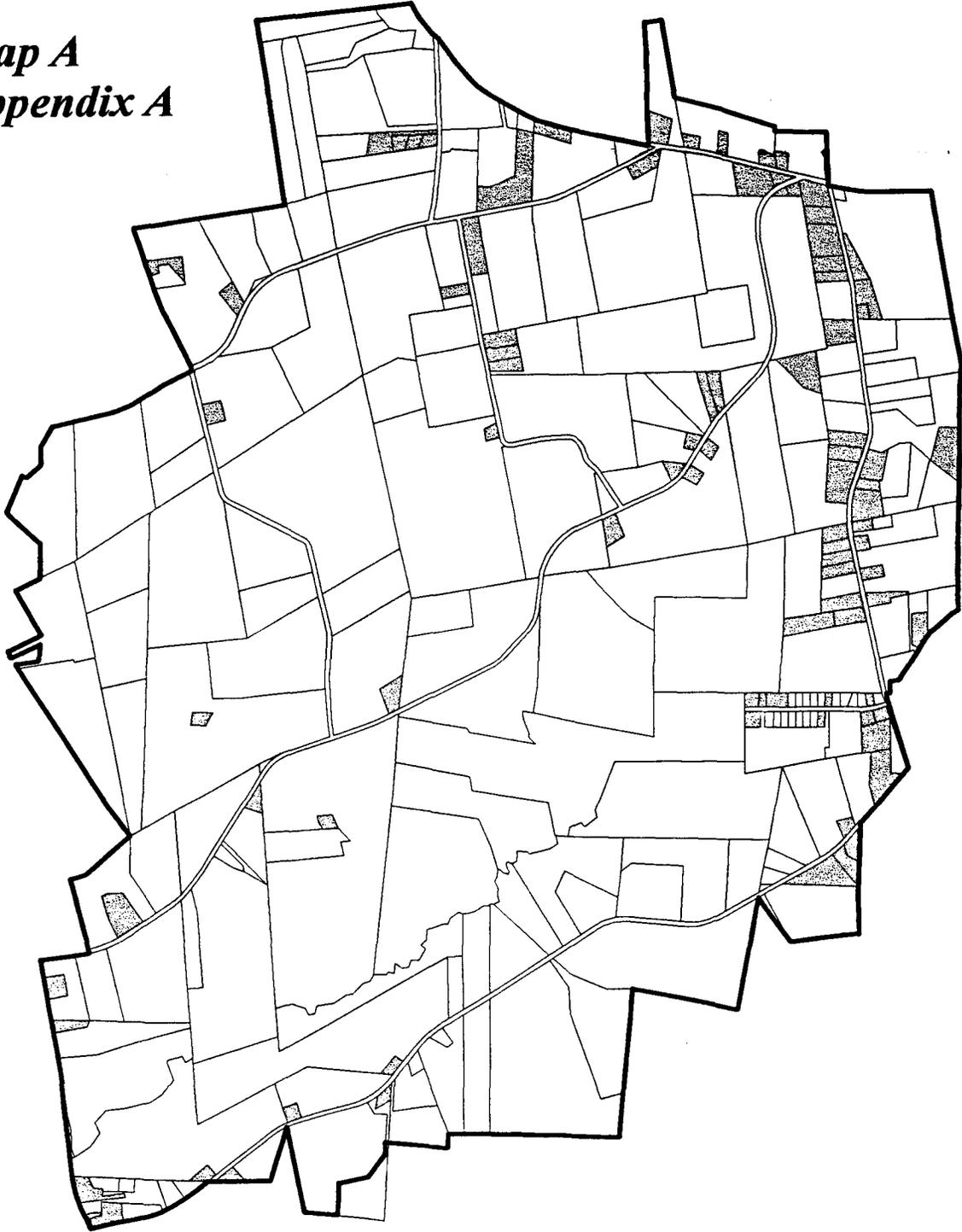
Conclusion

Based on the forgoing, it appears that the proposed Town of Hebron satisfies the North Carolina General Statutes 120-167, 120-169 and 120-170. However, it does not appear to satisfy NC G.S. 120-168. Additional criteria; development. nor NC G.S. 120-169.1. Additional criteria; level of development, services. Accordingly, if the Commission finds that NC G.S. 120-168 or G.S. 120-169.1.(a) is not satisfied, the Commission may not make a positive recommendation on the incorporation of the proposed Town of Hebron.

Information sources:

- Petition for Incorporation of the Town of Hebron**
1990 US Census Summary Table 1A (referenced 03/01/1999)
<http://www.census.gov/cgi-bin/datamap/cnty?37=135>
- Orange County Tax Assessors Office, Tax Maps and 1998 Assessment Data.**
North Carolina League of Municipalities (referenced 03/01/1999)
<http://ncinfo.iog.unc.edu/NCLM/General/Reports/reports.html>
- North Carolina Office of State Treasurer (referenced 03/01/1999)**
<http://www.treasurer.state.nc.us/frlgc.htmf>
- NC DOT GIS Data Layers, Distributed by NC CGIA (1998)**

Map A
Appendix A



Hebron Area
Municipal Incorporation
Phase II Study

Legend

-  Hebron Area
-  Developed Land
-  Undeveloped Land

